

ORIGINAL

DIVISION OF CONSUMER ADVOCACY
Department of Commerce and
Consumer Affairs
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

PUBLIC UTILITIES
COMMISSION

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FILED

In the Matter of)
)
PUBLIC UTILITIES COMMISSION)
)
Instituting a Proceeding to Investigate)
Proposed Amendments to the Framework)
for Integrated Resource Planning.)

DOCKET NO. 2009-0108

DIVISION OF CONSUMER ADVOCACY'S RESPONSES
TO INFORMATION REQUESTS FROM DBEDT, HECO COMPANIES, HREA, HSEA,
KIUC, LOL, AND THE MARRIOTTS

Pursuant to the Order Approving the Stipulated Procedural Order, as Modified filed on September 23, 2009, the Division of Consumer Advocacy submits its **RESPONSES TO INFORMATION REQUESTS FROM DBEDT, HECO COMPANIES, HREA, HSEA, KIUC, LOL, AND THE MARRIOTTS** in the above docketed matter.

DATED: Honolulu, Hawaii, November 25, 2009.

Respectfully submitted,

By Catherine P. Awakuni
CATHERINE P. AWAKUNI
Executive Director

DIVISION OF CONSUMER ADVOCACY

DOCKET NO. 2009-0108

PUBLIC UTILITIES COMMISSION

**DIVISION OF CONSUMER ADVOCACY'S RESPONSES TO
DBEDT'S SUBMISSION OF INFORMATION REQUESTS**

DBEDT-IR-1-CA: Ref.: CA's PSOP, page 15.

Please explain the benefits, if any, of the CA's suggestion that the "Framework should require that there should be at least one scenario reflective of public only factors." Please explain how this suggestion adds substantively to the existing IRP framework or to HECO's proposed CESP framework.

RESPONSE: This suggestion was offered as one means by which to address concerns and criticisms regarding transparency and the incorporation of public input. If the public was allowed to develop its own scenario with the factors and inputs that it views as reasonable, that scenario could be one of the scenarios relied upon to develop the action plan. As discussed in the Consumer Advocate's reply to the NRRI comments, the Consumer Advocate envisions that scenarios would be somewhat at a high level and represent decision trees or paths that can be taken given a certain set of events, facts, and circumstances. Thus, the public only scenario or scenarios, which was not a feature in the existing IRP framework nor in HECO's proposed CESP framework, might provide the support for an action plan that is used as the guideline for utility resource acquisitions. It is the Consumer Advocate's

understanding that this type of contribution was not generally experienced or reflected in the existing IRP framework.

DBEDT-IR-2-CA: Ref.: CA's PSOP, page 26.

Please explain how "the competitive bidding process would facilitate the review of the various means to meet the perceived or identified system need", if an action plan identifies a need for additional resources.

RESPONSE: This comment was related to the understanding that if the relevant forecasts suggest that an additional resource or resources are necessary, that resource could possibly be met with a supply-side resource, a demand-side resource, and/or some combination of both. Based on that forecasted need, the competitive bidding process could be used to request different solutions to meet that need. For example, if an action plan suggests that there will be a 10 MW gap between the forecasted demand and available supply-side resources while maintaining some adopted level of reliability standard, a request could be made for proposals to address that need. Depending on the defined need and the parameters associated with the request, those proposals might consist of:

- an energy efficiency measure that expects to decrease demand by 15 MW;
- a firm biomass generating unit project anticipated to produce 12 MW; or
- a firm biofueled generating unit anticipated to produce 20 MW.

Thus, while the action plan will have forecasted the possible need for a solution in a certain time frame, the Consumer Advocate does not assume that a specific solution will necessarily be identified to complete the action plan. Rather, the need for a solution, if realized, would ultimately be met by the "winning solution" determined through the competitive bidding process.

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PUBLIC UTILITIES COMMISSION

**DIVISION OF CONSUMER ADVOCACY'S RESPONSES TO
HECO COMPANIES' ("HECO") SUBMISSION OF INFORMATION REQUESTS**

HECO/DCA-IR-1 **Ref: Public-Only Factors Scenario.**

On page 15, the Consumer Advocate "... recommends that the CESP Process should incorporate the idea that at least one scenario should represent a product that is determined solely by non-utility parties." Further, "[T]he parties, other than the utility company, would be responsible for working together to reach consensus on the necessary inputs into a scenario and the utility company would then perform the necessary modeling work to generate the scenario." Please confirm that the parties, other than the utilities, would be responsible for the necessary inputs at their own cost, and whether it is envisioned that there would be some advanced agreement as to the consistency of the inputs in order for subsequent utility modeling to occur smoothly.

RESPONSE: The proposal of a public only factors scenario was suggested as a possible means of not only addressing criticisms utility generated scenarios or plan excluding resources or other relevant inputs, it was also meant to give the parties a better appreciation of the necessary considerations associated with putting a scenario and plan together. That being said, however, while the initial thought was that the public would be responsible for the necessary inputs at their own cost, if this suggestion is going to be adopted, the Consumer Advocate believes it might be reasonable to further investigate how this suggestion might be incorporated along with the process of developing the scenario planning. In that process, questions such as, defining what scenarios are, how many

scenarios should be developed, how much or little detail should be considered when developing the scenarios, the costs associated with developing scenarios, and so on.

Ref: NRRI Comments – III. Who Are the Appropriate Participants in a CESP Process.

On page 10, NRRI envisions many participants in the CESP process and states "With this diversity of participants, a neutral facilitator seems necessary." If the HECO Companies were to propose in the CESP Framework that the CESP process would have a neutral facilitator (similar to the role of an Independent Observer under the Framework for Competitive Bidding) leading all Advisory Committee meetings, public hearings, and observing the utilities' technical analyses, would that be an acceptable means for addressing the concerns over public participation and transparency in the CESP process?

RESPONSE: The use of a neutral facilitator could be a means by which to address concerns over public participation and transparency in the CESP process. Such a measure might mitigate many of the past concerns with the IRP process, but the Consumer Advocate is unable to speak for the other parties who may have a different view of the measures necessary to address the criticisms regarding the lack of transparency and how public participation input is *considered and incorporated*.

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PUBLIC UTILITIES COMMISSION

**DIVISION OF CONSUMER ADVOCACY'S RESPONSE TO
HREA'S SUBMISSION OF INFORMATION REQUESTS**

HREA-IR-1

In its Preliminary Statement of Position ("PSOP"), HREA proposed a set of governing principles that were broken down into the three following categories: overall, resource selection and acquisition, and IRP process. These proposed principles are listed below without the explanatory text that was included in our PSOP, and edited for clarity:

- Overall IRP Goals are to:
 - Meet forecasted electrical energy demand (MW, MWHs) via demand- and supply-side resources over the IRP period.
 - Identify and meet state energy objectives, and comport with state and county environmental, health, and safety laws by formally adopting state and county plans.
 - Maintain and enhance electrical system reliability, safety and security to facilitate state energy objectives and policies.
- Resource Acquisition and Operation to:
 - Establish and maintain a "no regrets policy" for resource acquisition, e.g., energy efficiency, conservation, renewables and storage.
 - Phase out conventional fossil facilities.
 - Establish and maintain preferred acquisition methods, e.g., net metering, feed-in tariffs, competitive bidding and non-bid contracts.
 - Prioritize implementation of distribution generation over central generation.
 - Design, modify, and operate the utility system to maximize the use of clean energy resources.
 - Mitigate power outages after catastrophic events.
- IRP Process will include:
 - *Ongoing, open, transparent, efficient and nimble.*

- Clear definition of roles, responsibilities and legal standing of all IRP participants.
- A basic plan for a period of 20 years with an action plan of five or more years, annual reviews and flexible periods for major revisions every three to five years.
- One plan for each island utility and an overall plan for the island chain.
- Incorporation of appropriate analytical methodologies, such as discounted lifecycle analysis and clean energy scenario planning.
- Consideration of the plans' impacts upon the utility's consumers, the environment, local culture, community lifestyles, the State's economy, and society in general.
- All Parties' recovery of a portion up to all costs of their participation in IRP.

That said, do the Parties support the governing principles as proposed above? Given that HREA is seeking to establish the level of support for each of the principles, please respond with detail as to:

1. Those principles that can be supported (with or without comments), and
2. Those principles that cannot be supported (with comments).

Finally, the Parties are asked to suggest additional principles, as appropriate, with supporting comments.

RESPONSE: The Consumer Advocate generally agrees with the need to develop and agree upon guiding principles for an IRP or CESP process. There are, however, certain suggested principles that require further discussion and development before specific agreement or disagreement can be reached. Some examples are:

- All Parties' recovery of a portion up to all costs of their participation in IRP. Given that the interests of every participant or party are not necessarily aligned with all others, it is possible that additional costs might be incurred

to address those differences. As those costs increase, the Consumer Advocate contends that a greater expectation as to the process as to the type and level of support for any cost recovery determinations must be made clear.

- Incorporation of appropriate analytical methodologies, such as discounted lifecycle analysis and clean energy scenario planning. The Consumer Advocate acknowledges that value of identifying the methodology or methodologies that should be used. The Consumer Advocate is concerned, however, that if the framework includes such details as to the specific methodology and/or the steps to conduct the methodology, the framework will become too restrictive and the value of the framework will decrease.
- One plan for each island utility and an overall plan for the island chain. The Consumer Advocate generally agrees that the idea of a single overall plan for the island chain has some appeal. This proposed principle, however, brings to mind several questions that need to be further developed and discussed before even general agreement can be offered.

This does not mean to be a comprehensive list. As already acknowledged, the Consumer Advocate recognizes the merits of *the Parties identifying general over-arching principles that will guide*

the IRP or CESP process. The Consumer Advocate also recognizes that the proposed principles need to be somewhat general in order to increase the usefulness and applicability of the principle. However, the Consumer Advocate also acknowledges that further discussion and development is also useful to avoid situations where one party might assume something related to a general principle and five different parties assume five different things.

Therefore, the Consumer Advocate reserves the right to further consider the proposed principles, as well as any responses that other parties might offer in response to the instant information request for later discussion when the opportunity presents itself.

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**DIVISION OF CONSUMER ADVOCACY'S RESPONSES TO
HSEA'S SUBMISSION OF INFORMATION REQUESTS**

HSEA-IR-1(a) Are there any jurisdictions or energy utilities that have adopted "scenario planning" that you contend is similar to the CESP proposal? If yes, then please identify the jurisdictions or utilities and explain with specificity the similarities and differences between their scenario planning and the CESP proposal.

RESPONSE: The Consumer Advocate is not aware of any jurisdictions or energy utilities that have adopted a scenario planning that appears to be similar to what is envisioned for the CESP proposal. In making this statement, however, the Consumer Advocate realizes that further discussion and development is required in order to better "flesh out" the framework beyond what was originally offered.

HSEA-IR-1(b) Please provide any and all documents relating to the response to IR-1(a).

RESPONSE: Not applicable. See above response.

HSEA-IR-2(a) Are there any jurisdictions or energy utilities that have adopted "Locational Value Maps" that you contend are similar to those in the CESP proposal? If yes, then please identify the jurisdictions or utilities and explain with specificity the similarities and differences between their Locational Value Maps and those in the CESP proposal.

RESPONSE: The Consumer Advocate is not aware of any jurisdictions or energy utilities that have implemented or adopted locational value maps similar to what is envisioned for the CESP proposal. Furthermore, the Consumer Advocate contends that, related to this question, Hawaii has unique circumstances, which include, but are not limited to: 1) limited land as compared to energy utility companies in the 49 other states; 2) unique cultural values attached to various elements, including land; and 3) system constraints related to island systems as compared to an interconnected electrical grid. Thus, finding similar uses of the concept of locational value maps in other jurisdictions may be somewhat inapplicable and/or relevant to what might be implemented in Hawaii.

HSEA-IR-2(b) Please provide any and all documents relating to the response to IR-2(a) above.

RESPONSE: Not applicable. See above response.

HSEA-IR-3(a) Are there any jurisdictions or energy utilities that have adopted “Clean Energy Investment Zones” that you contend are similar to those in the CESP proposal? If yes, then please identify the jurisdictions or utilities and explain with specificity the similarities and differences between their Clean Energy Investment Zones and those in the CESP proposal.

RESPONSE: The Consumer Advocate is not aware of any energy utilities that have already adopted clean energy investment zones. It appears, however, that there are other jurisdictions that might be considering similar ideas. For instance, on the Federal level, the recently proposed H.R. 3919 2009 – 2010 (111th Congress) proposes to “amend the Internal Revenue Code of 1986 to provide for the designation of Clean Energy Business Zones and for tax incentives for the construction of, and employment at, energy-efficient buildings and clean energy facilities, and for other purposes.” In addition, Utah has created a renewable energy zone task force that is responsible for identifying renewable energy zones for reasons similar to what is being proposed in the CESP.

The above is not the result of a comprehensive research effort, but reflects two examples of other jurisdictions that are investigating the usefulness of having renewable energy zones as a tool to be used to further the development and penetration of renewable energy resources.

HSEA-IR-3(b) Please provide any and all documents relating to the response to IR-3(a) above.

RESPONSE: A link to the full text of H.R. 3919 can be found at <http://www.govtrack.us/congress/billtext.xpd?bill=h111-3919>. A link to a description of the State of Utah's efforts to investigate renewable energy zones can be found at http://geology.utah.gov/sep/renewable_energy/urez/index.htm.

HSEA-IR-4(a) Are there any jurisdictions under which approvals in a “scenario planning” or IRP proceeding “elevate the status of the preferred resources identified in the [plan]... to give them a presumption of need in any subsequent siting proceeding,” as proposed in § II.D.2 of the CESP proposal? If yes, then please identify those jurisdictions.

RESPONSE: The Consumer Advocate has not initiated exhaustive research into this matter, but is not aware of any jurisdiction that has the requirement or the mandate that preferred resources in an action plan being given the presumption of need in any subsequent siting proceeding.

The Consumer Advocate anticipates that in any application seeking Commission approval related to the acquisition of a resource, the Company will be required to provide sufficient and adequate evidence supporting the need for the resource as well as the reasonableness of the decision regarding the placement of that project (i.e., siting decision). With the understanding that the CESP process may rely upon high-level analyses, assuming that any scenario input is given elevated status as a presumption that must be rebutted in any subsequent filing may create undesired effects. Since circumstances and events may change, it is possible if not likely that assumptions once viewed as reasonable at the time of the initial development of a scenario may later become grossly inaccurate, impractical and/or unreasonable.

If events and circumstances evolve as anticipated in an action plan, however, it does not seem practical or reasonable to

re-litigate the determination of a preferred resource, if such determination was already made within the context of the CESP process. At the time of a decision requiring whether to place a particular resource at a predetermined site, relying upon the analysis already conducted through the CESP process as the primary alternative would appear to be more efficient and cost effective.

HSEA-IR-4(b) Please provide any and all documents relating to the response to IR-4(a) above.

RESPONSE: Not applicable. See above response.

HSEA-IR-5 Please define with specificity which “subsequent siting proceeding(s)” you propose to be governed by the “presumption of need” under § II.D.2 of the CESP proposal.

RESPONSE: The Consumer Advocate assumes that as the time approaches the timeframe associated with the acquisition of a projected resource need, there will be an application with the Commission to obtain the necessary approvals, whether under General Order No. 7, paragraph 2.3.g.2 or any other relevant Commission rule or statute. That application would comprise the “subsequent siting proceeding.”

HSEA-IR-6 Please describe and explain with specificity what is meant and intended by the term “high level” or “higher level” planning in the CESP proposal (see, e.g., §§ II.D.3 and IV,J,1) and how exactly it differs from the level of planning under previous IRP proceedings.

RESPONSE: The Consumer Advocate has assumed that in order to avoid certain pitfalls associated with the IRP process, the action plan to be developed under the CESP would be less prescriptive. Associated with that assumption, the planning associated with the action plan and the underlying scenarios would reflect or consider a range of possibilities. Under the IRP process, a greater of detail was relied upon to develop plans that were generally assumed to be associated with specific selections of resources, whether demand- or supply-side. In order to keep the scenario planning process manageable, the Consumer Advocate has assumed that the scenarios to be developed will have “softer” numbers to avoid expending unnecessary resources and unavailable funds on efforts to develop “correct” or “detailed” input values required for each scenario and plan. Furthermore, as information associated with the specific renewable energy resource (e.g., siting, capacity, cost) may not be known at the time a CESP is being developed it would be difficult to have “detailed” input values.

HSEA-IR-7 Please describe and explain with specificity any and all actual differences between the method of analysis employed under the last IRP proceeding (aka "IRP-4") and the proposed method of analysis under the CESP proposal.

RESPONSE: As the actual methods of analysis in the proposed CESP process has yet to be developed and formalized, however, any efforts to specify any and all actual differences would be speculative.

 However, the Consumer Advocate has assumed that the CESP would be much more akin to the method of analysis employed under HECO's last IRP proceeding (IRP-4) than as compared to other proceedings. The Consumer Advocate also contends that any framework, whether for CESP or IRP, should provide general guidelines and avoid the inclusion of specific requirements within the framework document. To do so may severely limit the usefulness and life of any such detailed document.

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**DIVISION OF CONSUMER ADVOCACY'S RESPONSE TO
KIUC'S SUBMISSION OF INFORMATION REQUESTS**

KIUC-PSOP-IR4 In its Preliminary SOP, the Consumer Advocate states, in relevant part:

[T]he Consumer Advocate recommends that the CESP process should incorporate the idea that at least one scenario should represent a product that is determined solely by non-utility parties. The parties, other than the utility company, should be responsible for working together to reach consensus on the necessary inputs into a scenario and the utility company would then perform the necessary modeling work to generate the scenario.

- a. Please explain who would constitute the "non-utility parties", how they would be selected, and how these parties differ from the advisory group.

RESPONSE: *The Consumer Advocate's suggested scenario plan to be developed by "non-utility parties" was meant to allow all parties other than the utility companies to collaborate, if possible, to develop a unified vision as to a scenario or scenarios. The participants in this non-utility plan would consist of willing and able participants who could contribute meaningfully to the development of any scenario, including all supporting details. It was envisioned that the non-utility parties would most likely be a subset of the advisory group. That is, there was no intention to require a party not participating in the advisory group process to be a contributor to the non-utility scenario.*

- b. Please explain what is covered by “public only factors”, and specifically, what factors would be excluded.

RESPONSE: This phrase was meant to convey that the non-utility parties interested and capable of developing scenarios would be responsible for identifying and supporting all key inputs and factors that are requisite to developing a scenario. The non-utility parties would be required to provide all relevant data, etc., high level or not, that might normally be required to support the scenario and the various decision paths that might be reflected within that scenario. There may or may not be significant overlap between the utility and non-utility scenarios, but the Consumer Advocate's suggestion was meant to avoid suggesting that the non-utility scenario was limited to a modified utility scenario and to also place accountability and better understanding on the non-utility participants as to what might be and is required to develop a scenario.

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PUBLIC UTILITIES COMMISSION

**DIVISION OF CONSUMER ADVOCACY'S RESPONSE TO
LIFE OF THE LAND'S SUBMISSION OF INFORMATION REQUESTS**

LOL-IR-12

Ref: The Consumer Advocate also envisions that the new CESP processes might allow a limited number of scenarios and action plans to be developed on an ongoing basis to reflect known or possible changes in any of the relevant inputs. (pg 22).

Which of the following could be part of all of a scenario: (a) inter island cable; (b) no inter-island cable; (c) imported biofuels; (d) no imported biofuels; (e) no biofuels; (f) no new centralized power; (g) renewable energy only; and (h) ocean thermal energy conversion?

RESPONSE:

In general, the Consumer Advocate envisions that a scenario might consist of any reasonable set of input variables. Additional scenarios might be developed to reflect either the absence of any one or more variable as well as differing levels of one or more variable.

Thus, if the parties agree that one or more scenario should have or exclude a specific assumption, such as an inter-island cable, that assumption will appear, or not appear, as agreed upon. Similarly, the same assumption applies to each of the other examples, such as whether there should be biofuels, or no biofuels and, if there are biofuels, whether it should be imported (assuming that local biofuel alternatives are available and viable) or not. While it might be useful to have a certain number of "stretch" scenarios

(i.e., scenarios that are not limited to only those possibilities that are easily achievable), that number should be fairly limited since the time frame of an effective action plan is somewhat limited in scope. In addition, the Consumer Advocate assumes that a dynamic process will allow the consideration of any interim developments between formal action plan cycles, such as any disruptive technology, new government mandate, etc.

The Consumer Advocate also assumes that if different technology alternatives are available, it is also possible that a scenario might simply reflect a place-holder to acknowledge that the formal application for the resource or infrastructure item will provide the support for the alternatives and provide sufficient support to determine the appropriate choice. As a general example, assume that it is determined that the neighbor islands are capable of producing much more renewable energy, but the demand for that energy is not present on those islands. One solution might be an inter-island cable, but perhaps another solution, if the technology becomes available, is to store that energy in a potential form, say as a hydrogen fuel cell, then safely and reliably transporting those fuel cells to Oahu, in lieu of the cable. In any given scenario, the need to identify specific resources may vary on the intent or objective of developing that scenario.

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**DIVISION OF CONSUMER ADVOCACY'S RESPONSE TO
MARRIOTT'S SUBMISSION OF INFORMATION REQUESTS**

MAR-IR-001 Please provide a complete copy of all of your responses to all information requests filed by any party or participant in these proceedings. This request applies to information requests that have already been filed and to information requests that are filed in the future.

RESPONSE: A copy of all responses are available as part of the Commission's document management system. The address for this information technology resource is <http://dms.puc.hawaii.gov/dms/>.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **DIVISION OF CONSUMER ADVOCACY'S RESPONSES TO INFORMATION REQUESTS FROM DBEDT, HECO COMPANIES, HREA, HSEA, KIUC, LOL, AND THE MARRIOTTS** was duly served upon the following parties, by personal service, hand delivery, and/or U.S. mail, postage prepaid, and properly addressed pursuant to HAR § 6-61-21(d).

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DATED: Honolulu, Hawaii, November 25, 2009.


